

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## VOSK INTERNATIONAL CO.,

**Plaintiff,**

10 || vs.

## ZAO GRUPPA PREDPRIYATIJ OST and ZAO OST AQUA,

### Defendants.

Case No. C11-1488RSL

**ORDER GRANTING  
PLAINTIFF'S *EX PARTE*  
MOTION FOR LEAVE TO  
SERVE DEFENDANTS BY  
ALTERNATIVE MEANS**

This matter comes before the Court on Plaintiff’s “Ex Parte Motion for Leave to Serve Defendants by Alternative Means” (Dkt. # 8). Plaintiff contends that it cannot serve the Defendants, each of which are Russian companies, pursuant to the Hague Convention because “[a]lthough Russia signed the Hague Convention, it refuses to serve process on Russian citizens on behalf of U.S. plaintiffs.” *Id.* at 1. Having considered Plaintiff’s motion, the pleadings, and the documents filed in this case, and otherwise deeming itself fully informed, the Court finds:

1. Defendants are corporations that have their principle places of business in Noginsk, Moskovskaya oblast, Russia.
  2. The Russian Federation “unilaterally suspended all judicial cooperation with the United States in civil and commercial matters in 2003.” Nuance Commc’ns., Inc. v. Abbyy Software House, 626 F.3d 1222, 1238 (Fed.

**ORDER GRANTING PLAINTIFF'S  
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ALTERNATIVE MEANS - 1**

1 Cir. 2010). As a result, the State Department has reported that “requests  
2 sent [via diplomatic channels or] directly by litigants to the Russian  
3 Central Authority under the Hague Service Convention are returned  
4 unexecuted.” Id. at 1237.

- 5 3. Federal Rule of Civil Procedure 4(h)(2) permits service of a foreign  
6 corporation in any manner described by Rule 4(f) other than (f)(2)(C)(i).
- 7 4. The Ninth Circuit has recognized that “court-directed service under Rule  
8 4(f)(3) is as favored as service available under Rule 4(f)(1) or Rule  
9 4(f)(2).” Rio Props., Inc. v. Rio Intern. Interlink, 284 F.3d 1007, 1015  
10 (9th Cir. 2002) (footnote omitted). And, “service of process under Rule  
11 4(f)(3) is neither a ‘last resort’ nor ‘extraordinary relief.’” Id. A party  
12 need not “attempt[] service by other methods, including through  
13 diplomatic channels or letters rogatory, before resort[ing] to  
14 court-ordered service under Rule 4(f)(3).” Id. at 1015–16.
- 15 5. The Court in Rio Properties explicitly endorsed the district court’s order  
16 directing the plaintiff to serve the defendant by delivering a copy of the  
17 summons and the complaint via U.S. mail to the attorney representing the  
18 defendant’s interests in the United States. Id. at 1012, 1017.
- 19 6. Defendants in this case were represented by Maria Eliseeva, Esq.,  
20 Houston Eliseeva, LLP, 420 Bedford St., Suite 155, Lexington, MA  
21 02420, in the U.S. Trademark Trial and Appeal Board proceeding from  
22 which Plaintiff now appeals. Ms. Eliseeva and Houston Eliseeva, LLP,  
23 continue to represent Defendants’ interests in that matter. Plaintiff  
24 represents that it gave notice of this motion to both Defendants and  
Defendants’ counsel.

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1           In light of these findings, the Court HEREBY ORDERS that Plaintiff in  
2 this case may serve Defendants by delivering a copy of the summonses and complaint  
3 (both in English and translated into Russian) via U.S. Mail to (1) Maria Eliseeva, Esq.,  
4 Houston Eliseeva, LLP, 420 Bedford St., Suite 155, Lexington, MA 02420, and (2)  
5 Defendants in Russia.

6           DATED this 14th day of October, 2011.  
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Robert S. Lasnik

9           Robert S. Lasnik  
10           United States District Judge  
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25 ORDER GRANTING PLAINTIFF'S  
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26 TO SERVE DEFENDANTS BY  
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